

PRESUMPTION OF UNLAWFUL INTENT
Penal Law § 265.15 (4)

Under our law, the possession by any person of any

Select appropriate alternative:

dagger,
dirk,
stiletto,
dangerous knife
or any (other) weapon, instrument, appliance or substance designed,
made or adapted for use primarily as a weapon,

is presumptive evidence of intent to use the same unlawfully against another. What that means is that, if the People have proven beyond a reasonable doubt that the defendant possessed (*specify*), then you may, but you are not required to, infer from that fact that he/she did so with the intent to use the same unlawfully against another.¹ Whether or not to draw that inference is for you to decide and will depend entirely on your evaluation of the evidence.²

¹ See also *People v Galindo*, 23 NY3d 719 (2014); *People v Higdon*, 162 AD2d 957 (4th Dept 1990) (possession of a loaded firearm is presumptive evidence of an intent to use it unlawfully against another).

² In 2019, the last sentence was added to conform to the instruction for presumptions in other sections.